

## REMARKS

### REQUEST FOR RECONSIDERATION

Applicant has carefully considered the matters raised by the Examiner in the outstanding Office Action but remains of the opinion that patentable subject matter is present. Applicant respectfully requests reconsideration of the Examiner's position based on the above amendments to the claims and the following remarks.

### CLAIMS STATUS

Claims 1-17 have been cancelled while Claims 18-31 remain under prosecution. Claim 18 has been amended herein to recite that the frame is attached in a fixed position to the rim portion of the housing. Support for this amendment can be found in the drawings, especially Figure 2 and on page 1, last paragraph and on page 3, last paragraph. Respectfully, no new matter has been entered by way of this amendment.

## THE PRESENT INVENTION

The present Invention relates to a rear view vehicular mirror which is attached to the outside of the vehicle. The mirror lens is carried by a frame and the frame is rigidly mounted in the housing.

One of the novel aspects of the present Invention is that the mirror and the frame which carries the mirror are located wholly within the rim portion of the housing. Furthermore, the frame is attached in a fixed position to the rim portion of the housing and the frame is rigidly mounted within the housing. In other words, the frame and its respective mirror do not move within the housing. Rather, in order to adjust the mirror, the whole housing must be moved.

Claim 18 has been amended herein to specifically recite that the frame is attached in a fixed position with respect to the housing. This amendment has been made primarily in order to distinguish the mirror of the present Invention from the mirror recited in Lang '035 which will be discussed in more detail below.

## REJECTION

Claims 18-22 and 24-31 had been rejected based on a combination of Lang '644 and Lang '035, while Claim 23 had been rejected based on a combination of Lang '644, Lang '035 and Grissen. It is the Examiner's position that Lang '035 teaches a mirror lens and a frame which is wholly located within the rim portion of the housing and that it would be obvious to one of skill in the art to use the mirror lens and frame of Lang '035 in Lang '644 to arrive at the present Invention. Applicant respectfully traverses this rejection on a number of grounds.

First, Applicant traverses the combination of Lang '035 with Lang '644. It is true that both inventions relate to vehicular rear view mirrors, however, Lang '035 relates to a mirror which moves within its housing while, in contrast, Lang '644 relates to a mirror that is fixed with respect to the housing. In Lang '035, the mirror glass 86 and 87 are attached to plates 60 (referred to as "frames" by the Examiner) and these frames are attached to motors which allow for adjustment of the mirrors, see Column 4, lines 48-64. In order to insure that mirrors 86 and 87 can move within housing 20, frame 60 must be spaced apart from rim portion 24

of housing 20, see Figure 4. Thus, because the frame in Lang '644 is fixed to the housing while, in contrast, the frame in Lang '035 is not fixed to the housing, it is respectfully submitted that the combination of Lang '035 and Lang '644, is inappropriate because Lang '035 teaches a mirror that is fully movable within its housing while Lang '644 teaches a mirror that is fixed with respect to its housing. Thus, adding the mirror lens and its respective frame of Lang '035 to Lang '644 completely changes Lang '644. Respectfully, one of skill in the art would not make such a modification because there is no teaching or suggestion of placing one in the other and such a combination unworkable.

Even if such a combination were proper, it is respectfully submitted that such a combination would not result in the present Invention. Specifically, the mirror in Lang '035, elements 86 and 87, extends beyond rim portion 24 of housing 20, see Figure 4. This extension is with respect to the vertical plane of the mirror. It is clear from Figure 4, that, in a vertical plane, both mirror 87 and mirror 86 extends beyond the vertical plane defined by the edges of rim portion 24 of frame 20. Thus, it is submitted that the mirror lens and at least a portion of frame 60 extends beyond

rim portion 24 of frame 20 in a vertical plane. Thus, it is submitted that mirror 86 and 87 is not wholly within rim portion of the housing.

As noted above, frame 60 and mirrors 86 and 87 in Lang '035 is movable inside of housing 20. In order for the mirror lenses and the frame to be movable within housing 20, there must be a space between frame 60 and rim portion 24. This spacing is clearly shown in Figure 4. In order to more particularly point out and better define the present Invention, Claim 18 has been amended herein to recite that the frame is attached in a fixed position to the rim portion of housing. Clearly, as shown in Figure 4 of Lang '035, frame 60 is not attached in a fixed position to rim portion 24. In fact, frame 60 cannot be attached to rim portion 24 in Lang '035 because such attachment would make the mirror in Lang '035 unmovable. Frame 60 in Lang '035 must not attach to rim portion 24 in order to allow frame 60 to be movable within housing 20.

In conclusion, Applicant submits:

1. It is inappropriate to combine Lang '035 with Lang '644 because the two are related to different types of rear view mirrors. Lang '035 relates to frame 60 and mirrors 86 and 87 that are completely adjustable within housing 20 while Lang '644 relates to a mirror lens and frame which is fixed to, and therefore not adjustable within, the housing. Thus, one of skill in the art would not combine the two references because the two relate to different types of mirrors.

2. Even if it were proper to combine the two, and the two were combined, they do not result in the present Invention. In both Lang '035 and Lang '644, the mirror lens extends beyond the rim portion of the housing. In contrast, the present Invention specifically calls for the mirror lens and the frame to both be wholly within the housing.

3. Applicant has amended Claim 18 herein to specify that the frame is affixed in a rigid manner to the rim of the housing. The purpose of this amendment is to clearly define over Lang '035 and to more particularly point out and distinctly claim the present Invention.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the claims as presented herein are patentable over each one of the cited references taken alone or in combination.

Should any extensions of time or fees be necessary in order to maintain this Application in pending condition, appropriate requests are hereby made and authorization is given to debit account #02-2275.

Respectfully submitted,

LUCAS & MERCANTI, LLP

By: Donald C Lucas  
Donald C. Lucas  
(Attorney for Applicants)  
475 Park Avenue South  
New York, New York 10016  
Tel. # (212) 661-8000

DCL/mr

Encl: Return receipt post-card